IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 7th day of September, 2006
Crl. Bail Application No. 563 of 2006

Order: Nainital: the 7th day of September, 2006
CRIMINAL SIDE

1. **Ajay Kumar S/o Sheesh Pal**
   R/o Village Jatpura, P.S. Ahaar
   Distt. Buland Shahar.
2. **Manoj Kumar S/o Mangal**
   R/o Village Jatpura, P.S. Ahaar,
   Distt. Buland Shahar.

..... Applicants

Versus

State of Uttaranchal ..... Opposite Party

Arising out of Crime No. 1363 of 2006
Under Sections: 366 of I.P.C.
Police Station: Kashipur
District: Udham Singh Nagar.

Hon'ble Prafulla C. Pant, J.

Applicants Ajay Kumar and Manoj Kumar, who are in jail in connection with crime No. 1363 of 2006 under Section 366 of the I. P.C., P.S. Kashipur, District Udham Singh Nagar, have sought bail for their release.

Heard.

Statement of Km. Manju recorded under Section 161 of the Cr.P.C. by the Investigating Officer (copy Annexure-1 to the counter affidavit) shows that the allegations of rape and

abduction are against Tikku Pandit. The applicants Ajay and Manoj are mentioned among the six persons who are stated to have participated in the abduction of the girl. It is contended on behalf of the applicants that Manoj and Ajay are uncle and nephew and it is further contended that uncle and nephew would have joined hands in such a case.

Without expressing any opinion as to the final merits of the case, since, the main role in commission of crime appears to that of Tikku Pandit, applicants deserve bail.

Let the applicants Ajay Kumar and Manoj Kumar be released on bail on their executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(Sd/- Prafulla C. Pant, J.)

Dt: 07.09.2006
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